IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Criminal Revision No. 1758 OF 2006

DATE OF DECISION : October 13, 2006

GURPREET SINGH ..... PETITIONER

VERSUS

STATE OF PUNJAB ..... RESPONDENT

CORAM : HON'BLE MR. JUSTICE AJAI LAMBA

PRESENT: Mr. Mansur Ali, Advocate, for the petitioner.

Mr. Eklavya Kumar, AAG, Punjab.

JUDGMENT :

This revision petition is directed against the judgment of conviction, which has been confirmed by the appellate court. The conviction is u/s 304-A, IPC, and the petitioner has been sentenced to undergo R.I. for one year and fine of Rs.4,000/-; in default of payment of fine further R.I. for three months; u/s 279, IPC, fine of Rs. 1,000/- and in default of payment, R.I. for one month.

Learned counsel for the petitioner has not challenged the judgment of conviction and arguments have been addressed only on the quantum of sentence.

I have heard the learned counsel for the parties and have gone

through the record of the case.

Kartar Kaur, who was serving as a maid servant, died in an accident involving a private bus being driven by the petitioner. After the accident, the petitioner had stopped the bus.

Learned counsel for the petitioner, on the quantum of sentence, has relied upon the judgments of this Court i.e. Taslim Ahmad v. State of Punjab, 1995(1) RCR (Criminal) 743, Gurcharan Singh v. State of Punjab, 1996(1) RCR (Criminal) 616, Assa Nand v. State of Punjab, 2000(2) RCR (Criminal) 348 and Jaswinder Singh v. State of Punjab, 2003(4) RCR (Criminal) 344, to contend that in all these cases u/s 304-A, IPC, the Court has taken into account the period for which the accused suffered the process of trial.

In Taslim Ahmad's case (supra), the sentence was reduced to already undergone i.e. approximately two months, wherein the occurrence had taken place 3-1/2 years before the matter was dealt with by this Court.

In Gurcharan Singh's case (supra), the sentence was reduced to already undergone i.e. 1 month and 13 days, wherein the accused had faced trial for 10 years.

In Assa Nand's case (supra), the sentence was reduced to already undergone wherein the incident was 14 years old.

In Jaswinder Singh's case (supra), because the accused had faced trial for 17 years, the sentence was reduced to already undergone i.e. one month.

It is pleaded that in the case in hand, the FIR was lodged in March, 1999 i.e. approximately 7-1/2 years back. It is also pleaded that the

petitioner has been a driver for 25 years and this is the first accident, therefore, even the antecedents of the petitioner warrant a lenient view in his case.

Other than the above, the petitioner has heavy responsibility of one unmarried daughter aged 18 years and a son aged 22 years, who is still unsettled. The petitioner himself is 50 years of age and without him the entire family would be rendered homeless as the petitioner is the only bread winner in the family. The petitioner has already undergone actual sentence of more than two months.

Reference has also been made to the fact that the deceased was not living with any relative or children. One Harbans Singh, with whom the deceased is said to have been living, filed a claim under the Motor Vehicles Act. The same was not pressed and was dismissed in default vide order dated 8.2.2002, certified copy of whereof has been filed in Court, which is taken on record. This is to contend that the said Harbans Singh would not be entitled to compensation in view of the facts and circumstances under which the deceased was living.

I have given my considered thought to the facts and circumstances of the present case. The petitioner is facing trial since March, 1999. Post accident conduct also shows that the petitioner immediately stopped the bus after the accident. The petitioner has heavy responsibility of two unmarried children, which includes one daughter. While pursuing the career of a driver, this is the first accident with the vehicle driven by the petitioner in 25 years.

In civilized society, reformatory aspect is required to be

considered and given due importance. Circumstances faced by the petitioner since March, 1999, coupled with the fact that this being his first accident in a long career of 25 years, in my considered opinion, is sufficient to reform him. The ends of justice would be adequately met if the substantive sentence awarded to the petitioner is reduced to the period already undergone.

Ordered accordingly.

With the modification in the quantum of sentence as indicated above, the revision petition is dismissed.

October 13, 2006 (AJAI LAMBA)
Kang JUDGE